

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

RAVENWHITE LICENSING LLC,

Plaintiff,

v.

THE HOME DEPOT, INC. and HOME DEPOT  
U.S.A., INC.,

Defendants.

Case No. 2:23-CV-0423-JRG-RSP  
LEAD CASE

**JURY TRIAL DEMANDED**

**JOINT MOTION FOR LIMITED REOPENING OF VENUE DISCOVERY TO TAKE  
THE EXPERT DEPOSITION OF MONTY MYERS AND TO MODIFY  
DEADLINES FOR MOTION TO DISMISS BRIEFING**

Plaintiff RavenWhite Licensing LLC (“RavenWhite”) and Defendants The Home Depot, Inc. and Home Depot U.S.A., Inc. (collectively, “Home Depot”) hereby respectfully move the Court for a limited reopening of Venue Discovery to take the expert deposition of Mr. Monty Myers and to modify the deadlines for briefing on Home Depot’s Motion to Dismiss. The deadlines for the close of Venue Discovery and briefing on Home Depot’s Motion to Dismiss are currently set by the Court’s Order issued on April 20, 2024 [Dkt. 56].

Good cause exists for this modification. On June 7, 2024, RavenWhite submitted an expert declaration by Mr. Monty Myers in support of its Opposition to Home Depot’s Motion to Dismiss on the Basis of Improper Venue. *See* Dkt. 59. In order to afford Home Depot an opportunity to examine the opinions of Mr. Myers, Home Depot and RavenWhite agree that Venue Discovery should be reopened for the limited purpose of allowing Home Depot to depose Mr. Myers prior to the preparation and filing of Home Depot’s reply brief. *See* Dkt. 37 ¶ 2 (Discovery Order providing

for disclosure of expert witnesses). Home Depot's reply brief is currently due on June 21, 2024. Home Depot and RavenWhite agree that the deposition of Mr. Myers should take place on June 20, 2024. Home Depot and RavenWhite further agree that the deadline for Home Depot's reply brief should be extended to June 28, 2024, to allow Home Depot time to review the deposition testimony of Mr. Myers and adjust its briefing as needed. In view of the additional discovery, the parties also agree that RavenWhite's should be allowed a sur-reply brief (having the same page limit as the reply brief) with a due date of July 12, 2024.

The proposed limited reopening of Venue Discovery and modification of briefing deadlines will not require modification of any other date or deadline and does not impact the Court's trial or pre-trial conference dates. The modified schedule will reduce the burden on both the Court and the parties, avoid prejudice to the parties, and avoid unnecessary work. Therefore, good cause existing, RavenWhite and Home Depot respectfully requests the Court grant this joint motion to reopen Venue Discovery for the limited purpose of allowing Home Depot to take the deposition of Mr. Monty Myers before or on June 21, 2024, to extend the deadline for Home Depot's reply brief to June 28, 2024, and to set the deadline for RavenWhite's sur-reply brief (having the same page limit as the reply brief) to July 12, 2024. The proposed extended deadlines are as follows:

<b>Event</b>	<b>Deadline</b>	<b>Proposed Deadline</b>
Close of Venue Discovery	May 24, 2024	June 21, 2024*
Home Depot's Reply brief in support of Motion to Dismiss	June 21, 2024	June 28, 2024
RavenWhite's Sur-reply to Motion to Dismiss	[No previously-set deadline]	July 12, 2024

\* For the limited purpose of allowing Home Depot to take the deposition of Mr. Myers.

Dated: June 17, 2024

Respectfully submitted,

/s/ Nicholas G. Papastavros

/s/ Robert C. Mattson

Nicholas G. Papastavros  
Safraz W. Ishmael  
**DLA PIPER LLP (US)**  
33 Arch Street, 26th Floor  
Boston, MA 02110-1447  
Telephone: 617.406.6000  
Facsimile: 617.406.6119  
nick.papastavros@dlapiper.com  
safraz.ishmael@us.dlapiper.com

Eric H. Findlay  
Texas Bar No. 00789886  
Brian Craft  
Texas Bar No. 04972020  
**FINDLAY CRAFT, P.C.**  
7270 Crosswater Avenue, Suite B  
Tyler, TX 75703  
Tel: 903-534-1100  
Fax: 903-534-1137  
Email: efindlay@findlaycraft.com  
Email: bcraft@findlaycraft.com

*Attorneys for The Home Depot, Inc. and  
Home Depot U.S.A., Inc.*

Robert F. Kramer  
CA Bar No. 181706 (Admitted E.D. Texas)  
rkramer@krameralberti.com  
David Alberti  
CA Bar No. 220265 (Admitted E.D. Texas)  
dalberti@krameralberti.com  
Sal Lim  
CA Bar No. 211836 (Admitted E.D. Texas)  
slim@krameralberti.com  
Russel S. Tonkovich  
CA Bar No. 233280 (Admitted E.D. Texas)  
rtonkovich@krameralberti.com  
Robert C. Mattson (pro hac vice)  
VA Bar No. 34568  
rmattson@krameralberti.com  
**KRAMER ALBERTI LIM  
& TONKOVICH & LLP**  
577 Airport Blvd., Ste 250  
Burlingame, CA 94010  
Telephone: 650-825-4300  
Facsimile: 650-460-8443

**THE DACUS FIRM, P.C.**  
Deron R. Dacus  
ddacus@dacusfirm.com  
821 ESE Loop 323, Suite 430  
Tyler, TX 75701  
Telephone: 903-705-7233  
Facsimile: 903-581-2543

*Attorneys for RavenWhite Licensing LLC*

**CERTIFICATE OF CONFERENCE**

I hereby certify that the undersigned counsel conferred with counsel for Plaintiff. Plaintiff does not oppose the request sought in this motion.

/s/ Nicholas G. Papastavros

**CERTIFICATE OF SERVICE**

I hereby certify that on June 17, 2024, the foregoing was electronically filed with the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Nicholas G. Papastavros  
***Attorney for The Home Depot, Inc. and  
Home Depot U.S.A., Inc.***